

FILED

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

JAN 13 1999

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:)
)
INTERNATIONAL HERITAGE, INC.) CHAPTER 7
) CASE NO. 98-02675-5-ATS
)
Debtor.)

RESPONSE TO APPLICATION FOR POST-PETITION
RENT PURSUANT TO 11 U.S.C. §§ 503 AND 506

NOW COMES Holmes P. Harden, Trustee in the above-captioned case, and requests that the Court conduct a hearing on the application of Printing Plus, Inc. for administrative rent dated January 6, 1999.

The premises in question do not appear to be the subject of a written lease. The property stored at the premises storage appears to be fully encumbered. The landlord is entitled to the fair storage value of the premises, but Trustee objects to the allowance of a § 503 claim on the grounds that there will be no benefit to the estate unless and until liens are avoided. Trustee does not object to § 506(c) relief; however, it appears that the lienholders have not been served with the motion and will not have an opportunity to respond to the movant's alternative request that rent be paid pursuant to 11 U.S.C. § 506(c).

WHEREFORE, Trustee requests that the motion be denied without prejudice to renew after the contents of the warehouse have been sold and the validity of liens thereon have been determined by the Court.

Respectfully submitted this 12 day of January, 1999.

MAUPIN TAYLOR & ELLIS, P.A.

BY: Holmes P. Harden
Holmes P. Harden
N. C. State Bar No. 9835
Post Office Drawer 19764
Raleigh, NC 27619
Telephone: (919) 981-4000

CERTIFICATE OF SERVICE

I, Holmes P. Harden, do hereby certify that the foregoing **Response to Application for Post-petition Rent Pursuant to 11 U.S.C. §§ 503 and 506** was served upon all parties of record by mailing a copy thereof to each such party at the address indicated below with its proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Post Office in Raleigh, North Carolina on the 12th day of January, 1999.

MAUPIN TAYLOR & ELLIS, P.A.

BY: 

Holmes P. Harden

N. C. State Bar No. 9835

Post Office Drawer 19764

Raleigh, NC 27619

Telephone: (919) 981-4000

SERVED:

Marjorie K. Lynch
Bankruptcy Administrator
P. O. Box 3039
Raleigh, NC 27602-3039

Shawna Y. Staton
Jordan, Price, Wall, Gray,
Jones & Carlton
P. O. Box 2021
Raleigh, NC 27602-2021

Terri I. Gardner
Smith Debnam Narron & Myers, L.L.P.
P. O. Box 26268
Raleigh, NC 27611-6268